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DKT. 30436.11US01 SBS/RDG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter S. Linsley et al.
Serial No : 08/219,200 Examiner: P. Gambel
Filed : March 29, 1994 Group Art Unit: 1644
For : LIGAND FOR CD28 RECEPTOR ON B CELLS AND
METHODS

55 So. Lake Ave., Suite 710
Pasadena, California 91101
November 13, 2002

ATTENTION:
Office of Petitions

Assistant Commissioner for Patents
Washington, D.C. 20231

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PETITION UNDER 37 C.F.R. §1.47(a)

Applicants submit this Petition in accordance with 37 C.F.R. §1.47(a) and request that the U.S. Patent and Trademark Office accept the enclosed Combined Declarations and Power of Attorney of Drs. Peter S. Linsley, William Brady and Nitin K. Damle on behalf of themselves and a non-signing inventor Dr. Jeffrey A. Ledbetter. Original, executed Declarations of Peter Linsley, William Brady, and Nitin K. Damle are attached herewith as Exhibit 1.

Dr. Ledbetter has refused to sign the Declaration that is necessary to respond to the Notice of Allowance (Exhibit 2, see item 7), issued August 13, 2002, by the U.S. Patent and Trademark Office.

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The facts are as follows:

The last known address for the non-signing inventor is:

Jeffrey A. Ledbetter
306 NW 113th Place
Seattle, Washington 98117

On October 15, 2002, Applicants' undersigned attorney sent a letter to Dr. Ledbetter at his last known address enclosing: (1) an original Combined Declaration and Power of Attorney; (2) a copy of the originally-filed patent application including claims 1-76; (3) a copy of pending claims 79-94; and (4) a pre-paid, self-addressed, return Federal Express envelope. The letter and enclosures were sent to Dr. Ledbetter by U.S. Postal Service Certified Mail. A copy of the letter sent to Dr. Ledbetter, including the enclosures and the Certified Mail Receipt (e.g., receipt No. 7001 1140 0001 9974 8006), are annexed herewith as Exhibit 3.

The letter and enclosures were sent to Dr. Ledbetter's last known address but were not claimed. The letter and enclosures were returned to Applicant's undersigned attorney (i.e., sender) on November 13, 2002. A copy of a paper from the United States Postal Service indicating that the letter and enclosures were unclaimed and returned to sender is annexed herewith as Exhibit 4.

In the past, Dr. Ledbetter has signed Declarations submitted under 37 C.F.R. §1.63(a) and §1.51(b)(2), in connection with applications disclosing Ligands for CD28 Receptor. For example, he executed a Combined Declaration and Power of Attorney for U.S. Serial No. 07/722,101, to which the subject application is a File Wrapper Continuation application under 37 C.F.R. §1.62. A copy of the executed Declarations submitted to the U.S. Patent and Trademark Office for 07/722,101 is annexed herewith as Exhibit 5.

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However, recently, Dr. Ledbetter has repeatedly and consistently refused to sign Declarations for applications where he is an inventor. For example, Dr. Ledbetter refused to sign a Declaration in connection with U.S. Serial No. 08/228,208 (now issued U.S. Patent No. 6,090,914). In U.S. Serial No. 08/228,208, applicants submitted a Petition under 37 C.F.R. §1.47(a), requesting that the Patent Office accept the Declarations signed by co-inventors Linsley, Bajorath, Peach and Brady on behalf of themselves and the non-signing inventor, Jeffrey A. Ledbetter. The Patent Office granted the Petition. A copy of a letter from the U.S. Patent and Trademark Office, granting the Petition is annexed herewith as Exhibit 6.

Applicants submit the fee of \$130.00 in accordance with 37 C.F.R. §1.17(h). No fee, other than the fee under 37 C.F.R. §1.17(h), is deemed necessary in connection with the filing of this Petition. If any fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,

Sarah B. Adriano

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LIGAND FOR CD28 RECEPTOR
ON B CELLS AND METHODS

BY

PETER S. LINSLEY, JEFFREY A. LEDBETTER,
NITIN K. DAMLE AND WILLIAM BRADY

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Date of Deposit JUNE 27, 1991

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

TERI MAREKS

Typed or Printed Name of Person
Mailing Paper or Fee

Teri Mareks
Signature